

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

RICHARD R. QUINT,
Petitioner,

v.

THERESA LANTZ,
Respondent.

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PRISONER CASE NO.
3:06-cv-1859 (JCH)

SEPTEMBER 10, 2007

ORDER RE CERTIFICATE OF APPEALABILITY

On August 29, 2007, the United States Court of Appeals for the Second Circuit filed a mandate dismissing the petitioner's appeal pending issuance of a certificate of appealability by the district court.

On July 18, 2007, the court denied the petition for writ of habeas corpus and determined that no certificate of appealability should issue. The court considered the state court's treatment of the petitioner's claims of prosecutorial misconduct and violation of his right to be free from double jeopardy and determined that the state court's analysis was not an unreasonable application of Supreme Court law. The petitioner sought reconsideration of the ruling on the double jeopardy claim and leave to appeal *in forma pauperis*. On August 23, 2007, the court denied the requested relief and, again, denied a certificate of appealability.

A certificate of appealability may issue only if the petitioner "has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). That is, the petitioner "must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," Tennard v. Dretke, 542 U.S. 274, 282 (2004), or that "the issues presented were 'adequate to deserve

encouragement to proceed further.” Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003) (internal citation omitted).

The court has reviewed the petitioner’s arguments in support of his habeas petition and, again, on reconsideration. The court has concluded that the state court decision was not an unreasonable application of Supreme Court law and now determines that reasonable jurists would not find that conclusion debatable or wrong.

Accordingly, certificates of appealability from the denial of the petition and from the ruling on the motions for reconsideration and for leave to appeal *in forma pauperis* are denied.

SO ORDERED.

Dated this 10th day of September, 2007, at Bridgeport, Connecticut.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge